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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,820	10/08/2003	Tomoyuki Nakano	9319S-000558	6626
27572 7590 03/21/2007 HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER NGUYEN, DUNG T	
			ART UNIT 2871	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/681,820

Applicant(s)

NAKANO ET AL.

Examiner

Dung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,7 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,12,14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicants' amendment dated 12/08/2006 has been received and entered. By the amendment, claims 1, 4, 7, 12 and 14 are now pending in the application. Claim 13 stand withdrawn from consideration.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narutaki et al., US Patent No. 6,215,538.

Regarding claims 1 and 14, Narutaki et al disclose an electrooptic device (LCD device)( figures 1A-1B, 15A-15B) and a manufacturing method of the same having a reflective layer (3), a color layer (11) overlapping the reflective layer (see figure 1B), wherein the color layer is exposed using a mask ((col. 6, ln 49) and the mask has a pattern having a two-dimensional shape with no corner (see figure 15A-B). Narutaki et al., however, do not disclose the mask having an asymmetrical pattern. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to employ a mask with an asymmetrical pattern since the examiner takes Office Notice of the equivalence of a mask with a symmetrical pattern or a mask with an asymmetrical pattern for their use in the display art and the selection of any of these known

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equivalents for the purposes of forming a non-color filter region over a color filter would be within the level of ordinary skill in the art.

Regarding claims 4 and 7, Narutaki et al. disclose the claimed invention as described above except for the mask has a polygonal two dimensional pattern. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to employ a polygonal shape pattern corresponding to the reflective layer since the examiner takes Office Notice of the equivalence of such mask pattern without corner or polygonal shape pattern for their use in the display art and the selection of any of these known equivalents for the purposes of color adjusting would be within the level of ordinary skill in the art.

Regarding claim 12, Narutaki et al. disclose the claimed invention as described above except for a control means for controlling the device. It would have been obvious to one skilled in the art at the time of the invention was made to employ a controller, since it is a common practice in the art for driving and controlling a display device.

Note: the method of for manufacturing the device is merely a list of forming each component and each component must be formed to make the device; therefore, the method of for manufacturing would be inherent to the device.

### ***Response to Arguments***

3. Applicant's arguments filed 12/08/2006 have been fully considered but they are not persuasive.

. Election/Restriction Requirement

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Regarding claim 13, Applicants appear to believe that the phrase “exposed using a mask” provides specific structural characteristics; therefore, it must be given patentable weight and claim 13 should be included in elected group I. The Examiner respectfully disagrees with Applicant’s view point. It should be noted that the limitation of “exposed using a mask” recites one step of the processing in a device claim and the presence of process limitations on product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. In re Stephens 145 USPQ 656 (CCPA 1965). In other words, it would be a serious burden on the Examiner for searching two different groups of device and method whereas a specific method is being claimed.

. Rejection under 35 USC 102/103

In response to Applicant's argument that Narutaki et al. reference does not include certain features of Applicant's invention, the limitation(s) on which the Applicant relies (i.e., color filter having an asymmetrical opening or asymmetrical non-color filter region) is/are not stated in the claims. It is the claims that define the claimed invention, and it is the claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced MicroDevices Inc.*, 7 USPQ 2d 1064. In addition, as stated above, the use of the mask having asymmetrical pattern and the mask having symmetrical pattern would have been obvious to one skilled in the art.

***Conclusion***

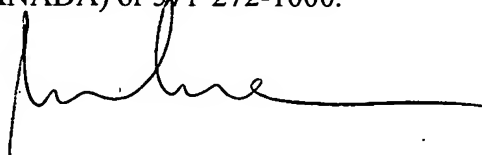
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN  
03/19/2007



*Dung Nguyen*  
*Primary Examiner*  
*Art Unit 2871*